AUG 1 0 1995

RECEIVEDUNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY LEXINGTON DIVISION

Eastern District of Kentucky

AUG 2

CLERK: U.S. DISTRICT COURT

LEONARDA GINERINI ET AL.,

Plaintiffs,

vs.

Consolidated Civil Cases Nos. 93-217, -93-290

JANET RENO, Attorney General, ET AL.,

Défendants.

JOINT MOTION FOR APPROVAL OF THE PROPOSED SETTLEMENT AGREEMENT AND ENTRY OF ORDER PROVIDING NOTICE TO THE CLASS OF THE PROPOSED SETTLEMENT AGREEMENT

Pursuant to Rule 23 of the Federal Rules of Civil Procedure. plaintiffs, on behalf of the class of "all federally incarcerated inmates serving their period of incarceration in a federal penal or medical institution," and defendants, through undersigned counsel, request that the Court grant preliminary approval to the Settlement Agreement attached hereto as Attachment 1. The Settlement Agreement is the product of extensive negotiations between undersigned counsel, and is based on an agreement in principle reached between the parties after an approximate threeweek mediation in which the plaintiffs and representatives of the Federal Bureau of Prisons personally participated. Settlement Agreement, if approved by the Court, would be a full and complete adjudication of all claims raised in Plaintiffs' Third Amended Complaint and Amendment to Third Amended Complaint, except plaintiffs' request for attorney's fees and costs, which

will be resolved through a separate agreement or Court order.

Although the Settlement Agreement speaks for itself, a Summary of
the Settlement Agreement is attached hereto as Attachment 2 for
the Court's convenience.

To notify the class of the Settlement Agreement and advise class members of their right to file comments or objections to the Settlement Agreement with the Court, plaintiffs and defendants also move for entry of the Notice of Proposed Settlement and Fairness Hearing attached hereto as Attachment 3.

Respectfully Submitted,

ON BEHALF OF PLAINTIFFS

ON BEHALF OF DEFENDANTS

FRANK W. HUNGER
Assistant Attorney General

JOSEPH L. FAMULARO United States Attorney

DAVID L. BUNNING Assistant United States Attorney

Attorneys, Department of Justice

DOUGLAS L. MCSWAIN
ANN D. STURGILL
GENE L. HUMPHREYS
Sturgill, Turner & Truitt
155 East Main Street
Lexington, KY 40507
Tel: (606) 255-8581

Class Counsel for Plaintiff Class

Counsel for Defendants

901 E Street NW, Room 814

Washington, D.C. 20530 Tel: (202) 616-8211

RAPHAEL O. GOMEZ

Civil Division

KATHLEEN E. MORIARTY

DATE: Quaret 1, 1995

- 2 -